

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
Case No.: 1:23-md-03076-KMM
MDL No. 3076**

In Re: FTX CRYPTOCURRENCY
EXCHANGE COLLAPSE LITIGATION

This Document Relates To:

JESSUP v. BANKMAN-FRIED, *et al.*,
Case No. 1:23-cv-22200

DEFENDANT SAM TRABUCCO'S PRELIMINARY REPORT

Defendant Sam Trabucco submits this Preliminary Report pursuant to the Court's June 6, 2023 Order Setting Initial Conference (the "Order"). ECF No. 7.

Mr. Trabucco, is named as a defendant in a single MDL case, *Jessup v. Bankman-Fried, et al.*, S.D. Fla. Case No. 1:23-cv-22200 (formerly N.D. Cal. Case No. 3:22-cv-07666). Mr. Trabucco has never served as an officer, director, or employee of FTX, and he is not among the "celebrity defendants" who allegedly promoted FTX. The class action complaint in *Jessup* (the "Jessup Complaint") nonetheless purports to assert causes of action against Mr. Trabucco for fraud, unjust enrichment, and conversion. However, the Jessup Complaint does not make any substantive allegations about Mr. Trabucco. Thus, although the Order directs the parties to "indicat[e] their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues," Mr. Trabucco is unable to do so because the only complaint in which he is named lacks any well-pleaded factual allegations that concern him.

This is not the first time a plaintiff in this MDL has attempted to lump Mr. Trabucco in with the indicted co-defendants Sam Bankman-Fried, Caroline Ellison, Gary Wang, and Nishad

Singh without any substantive allegations specific to Mr. Trabucco. In *Garrison v. Bankman-Fried, et al*, S.D. Fla. Case No. 22-cv-23753-KMM (which was filed in this Court and is now part of this MDL), Mr. Trabucco moved to dismiss the December 16, 2022 Amended Class Action Complaint largely because it did not make any substantive allegations about Mr. Trabucco. ECF No. 155 (Mr. Trabucco's motion to dismiss in *Garrison*). The *Garrison* plaintiffs elected not to oppose Mr. Trabucco's motion to dismiss and instead voluntarily dismissed all claims against him. ECF No. 167 (voluntary dismissal of all claims against Mr. Trabucco in *Garrison*).

At the appropriate time, Mr. Trabucco intends to move to dismiss all of the claims against him in *Jessup* on similar grounds.

Respectfully submitted on June 16, 2023.

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Counsel for Defendant Sam Trabucco

APPENDIX A

LIST OF AFFILIATED COMPANIES AND COUNSEL

No companies are affiliated with Mr. Trabucco at this time.

Glenn K. Vanzura, Andrew J. Demko, Jason D. Linder, Jonathan S. Klein, and Joseph J. Vescera of Mayer Brown LLP represent Mr. Trabucco in the *Jessup* action, now consolidated in this MDL.

Respectfully submitted on June 16, 2023,

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APPENDIX B

LIST OF PENDING MOTIONS

No motion by Mr. Trabucco pends at this time before the transferor court or this Court.

APPENDIX C

LIST OF RELATED CASES

At this time, Mr. Trabucco is aware of the following related or potentially related cases, each of which is part of this MDL or may become part of this MDL as a tag-along action:

- *Garrison v. Bankman-Fried, et al*, S.D. Fla. Case No. 22-cv-23753-KMM: As discussed above at pages 1-2, the *Garrison* plaintiffs originally named Mr. Trabucco as a defendant. The *Garrison* plaintiffs voluntarily dismissed all claims against Mr. Trabucco after he moved to dismiss and explained (among other arguments) that the complaint lacked any factual allegations of any wrongdoing whatsoever by Mr. Trabucco.

The Northern District of California designated the following cases as related to *Jessup*. Although Mr. Trabucco is not named as a defendant in any of these actions, each action below also included claims against at least *Jessup* co-defendants Bankman-Fried and Ellison and is part of this MDL.

- *Lam v. Bankman-Fried*, N.D. California Case No. 3:22-07336
- *Pierce v. Bankman-Fried, et al*, N.D. California Case No. 3:22-07444
- *Hawkins v. Bankman-Fried, et al*, N.D. California Case No. 3:22-07620
- *Papadakis v. Bankman-Fried, et al*, N.D. California Case No. 3:23-00024

The following actions filed in the Northern District of California may be related to *Jessup* and were conditionally transferred to this Court as tag-along actions to become part of this MDL. Mr. Trabucco is not named as a defendant in any of the following actions.

- *Rabbitte v. Sequoia Capital Operations, LLC, et al*, N.D. California Case No. 3:23-00655
- *Girshovich v. Sequoia Capital Operations, LLC*, N.D. California Case No. 3:23-00945
- *Cabo, et al v. Sequoia Capital Operations, LLC*, N.D. California Case No. 3:23-02222
- *Imbert v. Bankman-Fried, et al*, N.D. California Case No. 3:23-02475